

HAYNES BOONE



December 22, 2023

By ECF

The Hon. Judge Katharine H. Parker
United States Magistrate Judge
District Court for the Southern District of New York
500 Pearl Street, Room 750
New York, NY 10007

Re: *GMO Gamecenter USA, Inc. et al. v. Whinstone US, Inc.*, No. 1:22-cv-05974

Dear Judge Parker:

Pursuant to Your Honor's Individual Practices in Civil Cases Rule I.c, we write on behalf of the parties in the above-captioned action and submit this letter motion for an order adjourning certain deadlines set in Your Honor's November 14, 2023 Order. *See* ECF No. 110. Specifically, the parties move to extend (i) the January 10, 2024 deadline for motions to compel third-party discovery to March 27, 2024; (ii) the January 15, 2024 deadline for service of third-party subpoenas to February 15, 2024; and (iii) the January 24, 2024 deadline for opposition letters to motions to compel to April 10, 2024.¹ This is the third request for an extension of the deadline to serve third-party subpoenas,² and Whinstone US, Inc. consents to this request.

The parties have been working diligently to serve document subpoenas on third parties, including non-U.S. entities/individuals. The parties have largely succeeded with serving third parties, but many third parties have requested extensions of time to respond to the subpoenas and/or have requested that they initially produce only easily obtainable documents, with more productions to come later. Nearly all of the third parties' counsel have sought to narrow the scope of the subpoenas, and such negotiations are ongoing. Furthermore, the parties would like time to review each other's future productions to determine whether such productions (i) absolve the need for any third-party discovery, or (ii) bring to light additional third parties that the parties are not yet aware of. Finally, because only a few third-party productions have been made, the parties are still building their understanding of the third parties' roles in the facts and circumstances underpinning

¹ For the avoidance of doubt, the parties *do not* seek an adjournment of (i) the January 3, 2024 deadline to mail a copy of the November 14, 2023 Order to any third parties that have asserted objections to subpoenas that are not yet resolved at that time; (ii) the January 25, 2024 deadline to file a joint letter setting forth a proposed agenda for the January 29, 2024 conference; or (iii) the January 29 conference. *See* ECF No. 110.

² The deadline for service of third-party subpoenas was extended from October 4, 2023 to November 30, 2023, and then again from November 30, 2023 to January 15, 2023. *See* ECF Nos. 89, 94, 110.

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the litigation, and as such, the parties do not know whether it will be necessary to serve deposition subpoenas on certain third parties.

We thank the Court for its attention to this matter.

Respectfully submitted,



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Counterclaim-Defendants

cc: All Counsel of Record (*via ECF*)
SO ORDERED this ____ day of _____, 2023.

THE HONORABLE KATHARINE H. PARKER

United States Magistrate Judge